



05 MAR 2003

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#5

In re Application of :
FRENKEL, Marvin A. :
Application No.: 09/979,570 : DECISION ON
PCT No.: PCT/US00/13124 :
Int. Filing Date: 12 May 2000 : PETITION
Priority Date: 14 May 1999 :
Attorney Docket No.: MAF-10002/22 : UNDER 37 CFR 1.181
For: ANONYMOUS ON-LINE CASH :
MANAGEMENT SYSTEM :
:

This decision is in response to applicant's "Case Status," filed on 13 February 2003. It has been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 12 May 2000, applicant filed international application PCT/US00/13124. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 November 2000. A demand for international preliminary examination was filed 08 December 2000, prior to the expiration of nineteen months from the priority date. The deadline for entry into the national stage in the United States was thirty months from the priority date, or 14 November 2001.

On 14 November 2001, applicant submitted a transmittal letter for entry into the national stage in the United States, accompanied by the basic national fee.

On 04 January 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 November 2002, the Office mailed Notice of Abandonment indicating the application went abandoned for failure to timely reply to the Notice to File Missing Parts mailed on 04 January 2002.

On 13 February 2003, applicant filed the instant petition accompanied by a postcard receipt and a declaration.

DISCUSSION

MPEP at section 503 states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

The postcard receipt lists an executed declaration. The postcard receipt is date stamped 23 January 2002 and indicates the attorney docket number and the international application number.

The postcard receipt is adequate evidence that the executed declaration was received by the Office on 23 January 2002 and petitioner indicates that the declaration that accompanied this petition is a copy of the originally submitted declaration.

CONCLUSION

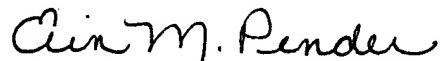
For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notice of Abandonment mailed 15 November 2002 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 U.S.C. §371(c) date is 23 January 2002.



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